

**INSTRUCTIONS FOR PROCEEDING IN FORMA PAUPERIS
IN THE COURT OF APPEALS
Minnesota Statutes § 563.01 and Minn. R. Civ. App. P. 109**

If you cannot afford to pay the appellate court filing fee, cost bond, or other costs, you may be able to have the fee and costs waived. Under the law, the court can waive the fee and costs if:

1. You are receiving public assistance under one or more of the following programs:

Minnesota Family Investment Plan (MFIP), MFIP-Emergency Assistance, or MFIP-Diversionary Assistance; General Assistance or Emergency General Assistance; Medical Assistance or General Assistance Medical Care; Food Stamps; Supplemental Security Income; Minnesota Supplemental Assistance (MSA) or MSA-Emergency Assistance; Energy Assistance.

OR

2. You are represented by a legal services or volunteer attorney on behalf of a civil legal services program or a volunteer attorney program based on indigence.

OR

3. Your annual family income before taxes is less than 125% of the Federal Poverty Guidelines (2021 figures) for your family size as indicated below.

Maximum Income Level – 125% of Poverty

Please Check Your Family Size	Size of Family Unit	Annual Family Income Before Taxes	Monthly Family Income Before Taxes	Weekly Family Income Before Taxes
	1	\$ 16,988	\$ 1,416	\$ 326
	2	\$ 22,888	\$ 1,908	\$ 440
	3	\$ 28,788	\$ 2,399	\$ 554
	4	\$ 34,688	\$ 2,891	\$ 668
	5	\$ 40,588	\$ 3,383	\$ 780
	6	\$ 46,488	\$ 3,874	\$ 894
	7	\$ 52,388	\$ 4,366	\$ 1,008
	8	\$ 58,288	\$ 4,858	\$ 1,121

More than 8 members, add \$5900 annually for each additional family member (or \$491 monthly or \$114 weekly).

Number of family members: _____ Calculate and enter figure here: \$ _____

OR

4. Your income is not enough to pay for the common necessities of life for yourself and the people you support and also to pay court fees and costs.

If you believe you meet one of the categories above, you can apply to proceed In Forma Pauperis (the Latin title used to describe the procedure for waiver of court fees and costs).

STEP 1: Complete the *Motion and Affidavit for Proceeding In Forma Pauperis in the Court of Appeals* (court form IFP114). This means you are stating that the information in the *Affidavit* is true to the best of your knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth, punishable by jail or other sanctions. Make sure you attach a copy of your statement of the case or petition being filed in the appellate court and proof of family income. Be prepared to provide proof of the type of public assistance you receive if that is the basis for your request to proceed In Forma Pauperis.

STEP 2: Complete the case heading for the *Order Denying / Granting In Forma Pauperis in the Court of Appeals* (court form IFP115). The case heading (name of Plaintiff/Petitioner and Defendant/Respondent, etc.) should match your *Affidavit for Proceeding In Forma Pauperis in the Court of Appeals*. The rest of the order can be left blank. The judge will decide whether to sign the section denying or granting the order based on the information you provide.

STEP 3: File these documents with the Court Administrator in district court. The motion and affidavit must be filed on or before the date your appeal is commenced.

If the judge grants your motion, you may proceed *in forma pauperis* without further application to the Court of Appeals. You must promptly file a copy of the trial court's order on your motion with the clerk of the appellate courts. If a transcript is to be prepared for appeal, you must file the certificate as to transcript within 10 days from the date of the trial court administrator's filing of the order granting leave to proceed *in forma pauperis* or within 10 days after filing the notice of appeal, whichever is later. If the judge denies your motion, you must either pay the appellate court filing fee, post the cost bond, and file a completed transcript certificate, if a transcript is required; or serve and file a motion in the Court of Appeals for review of the trial court's order denying *in forma pauperis* status.

If you have any questions and cannot afford an attorney, you may wish to consult the legal aid office, legal services office, or lawyer referral service in your county (listed in the yellow pages under "Attorneys"), or by going to www.lawhelpmn.org.

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-297-7651.